

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BLAIR DOUGLASS,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. <u>2:21-cv-1782</u>
vs.	)	
	)	
DE BEERS JEWELLERS (US), INC.,	)	[Formerly Case No. GD-20-006128 in
	)	the Court of Common Pleas of
Defendant.	)	Allegheny County]

**NOTICE OF REMOVAL**

**TO: THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

Defendant, De Beers Jewellers (US), Inc., by its attorneys, Dentons Cohen & Grigsby, P.C., files this Notice of Removal of the action in the Court of Common Pleas of Allegheny County, Pennsylvania, styled as *Blair Douglass v. De Beers Jewellers (US), Inc.* (GD-20-006128) (the "State Court Action"), to the United States District Court for the Western District of Pennsylvania, pursuant to 28 U.S.C. §§ 1441(a), 1446(a), and 1331. In support of this removal, Defendant states as follows:

**PROCEDURAL HISTORY**

1. This Notice of Removal is filed in the District Court of the United States for the district and division in which the instant matter is pending.
2. Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of all of the process, pleadings, orders, and papers served on Defendant in the State Court Action are attached hereto as Exhibit "A." Further, a true and correct copy of the docket sheet in the State Court Action is attached as Exhibit "B."

3. Following removal of this action, Defendant will promptly give written notice of this Notice of Removal to the Department of Court Records of the Court of Common Pleas of Allegheny County and Plaintiff's counsel pursuant to 28 U. S. C. § 1446(d). A copy of the notice to be submitted to the Court of Common Pleas of Allegheny County is attached hereto as Exhibit "C."

4. On May 27, 2020, Plaintiff Blair Douglass ("Plaintiff") filed a Praecipe for Writ of Summons in the Court of Common Pleas of Allegheny County, Pennsylvania. (Exs. A, B).

5. On November 4, 2021, Plaintiff filed a Complaint (the "Complaint") in the Court of Common Pleas of Allegheny County, Pennsylvania. (Exs. A, B).

6. According to Plaintiff's Proof of Service, a copy of the Complaint in the State Court Action was served on Defendant via certified mail, care of its registered agent, Corporation Service Company, at the following address: 251 Little Falls Drive Wilmington, DE 19808, and a return receipt was signed accordingly. (Ex. A).

7. Defendant's agent for service of process received the Complaint in the State Court Action on November 17, 2021, which the USPS tracking number associated attached to Plaintiff's Proof of Service also confirms. (Ex. A). Defendant received a copy on November 19, 2021.

8. The filing of this Notice of Removal is within thirty days of service of the Complaint upon Defendant and, therefore, is timely under 28 U.S.C. § 1446(b).

#### **GROUND FOR REMOVAL**

9. This Court has original jurisdiction of this action pursuant to 28 U.S.C. § 1331 because the instant matter is a civil action that arises under the Constitution, laws, or treaties of the United States.

10. The Complaint purports to set forth a claim for discrimination in violation of Title III of the Americans with Disabilities Act (“ADA”) (42 U.S.C. § 12181 *et seq.*) (“Title III”) (Ex. A, ¶¶ 19, 49-79), and corresponding regulations promulgated at 28 C.F.R. § 36.101 *et seq.* (Ex. A, ¶ 19). The Plaintiff’s Title III claims derive from Defendant’s alleged failure to accommodate Plaintiff’s alleged disability under Title III. (Ex. A, ¶¶ 49-79). Accordingly, this Court has jurisdiction under 28 U.S.C. § 1331 because this civil action arises under the laws of the United States. 28 U.S.C. § 1441 (a).

11. A copy of this Notice of Removal will be served upon Plaintiff in accordance with the attached Certificate of Service and a notice will be filed with the Allegheny County Department of Court Records that the State Court Action has been removed to this Court.

12. By removing the case to federal court, Defendant does not waive any available defenses nor does it admit any of the allegations made in the Plaintiff’s State Court Action.

WHEREFORE, De Beers Jewellers (US), Inc. requests that this action be removed from the Court of Common Pleas of Allegheny County, Pennsylvania, to the United States District Court for the Western District of Pennsylvania.

Respectfully submitted,

DENTONS COHEN & GRIGSBY P.C.

By: /s/ Jennifer S. Park

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412-297-4900 (phone)

412-209-1975 (fax)

*Counsel for Defendant,*

*De Beers Jewellers (US), Inc.*

Dated: December 7, 2021

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true and correct copy of the foregoing **NOTICE OF REMOVAL** was served upon the following on the 7<sup>th</sup> day of December, 2021, in the following manner:

**VIA CERTIFIED MAIL**

Michael McGeever, Director  
Allegheny County Department of Court Records  
414 Grant St., First Floor  
Pittsburgh, PA 15219-2469  
Tel: (412) 350-5729

Kevin Tucker  
Kevin Abramowicz  
Chandler Steiger  
Stephanie Moore  
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**Counsel for Plaintiff**

/s/ Jennifer S. Park  
Jennifer S. Park